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BOOK REVIEWS AND NOTICES

Work-Accidents and the Law. By CRYSTAL EASTMAN. New York: Charities Publication Committee, 1910. 8vo, pp. xvi+345. \$1.50.

During the last few years public opinion in our country has been aroused to the fact that we have a serious work-accident problem on our hands. Information has been accumulating on all sides. Newspapers, magazine articles, and special investigations have contributed their share to convincing the public that the constant drain of life and limb is a social burden which should require careful attention as to its cause, its distribution, and the possibility of its prevention. In order to remedy the conditions, appeal has been made for state and national interference. But when it has come to presenting a program of reform it has been found that there are wide differences of opinion as to what should be done. It was at this point that the dearth of carefully collected and scientifically analyzed information became apparent.

The need for such a study has been met in a large measure by Miss Eastman's *Work-Accidents and the Law*. The book is "based upon the study of a year's industrial fatalities, and of three months' industrial injuries in Allegheny County, Pa." The case method has been followed in conducting the investigation. The information concerning each case was carefully collected, and verified by personal conference with parties affected or with those acquainted with the circumstances of the accident. The records of the cases studied, therefore, are more accurate than those of most previous investigations.

The main body of the book is divided into three parts. The first—"The Causes of Work-Accidents"—treats of the dangers incident to certain occupations, such as railroads, steel works, soft-coal mines, and certain other occupations. The second part—"Economic Cost of Work Accidents"—takes up the distribution of the burden, and the effects of accidents on the workers and their families. Part three—"Employer's Liability"—treats of the legal phases of the problem and suggests certain legal reforms. Besides the main body of discussion, there are twelve appendices of over one hundred pages, which include the details of many closely related topics and which throw light on the main discussion.

In each division of the book Miss Eastman has cleared up points of confusion and has disproven a good many popular fallacies concerning the causes and effects of industrial accidents. The common belief which prevails among many employers, that fully 95 per cent. of the accidents are the result of negligence on the part of the employee, receives a body blow. It is shown that for 410 fatal cases examined, only 132 cases could be charged to negligence of the workman, while 147 cases were due to negligence of the employer and in 117 cases responsibility could be assigned to neither party. A careful estimate of the cost and distribution of the burden is made in the second part of the book.

Not only is the immediate effect on the family and family relations portrayed, but an estimate is made of the potential income loss due to the accident. This method of measuring income loss—"not one year's wages, nor three years' wages, but the potential net earnings of the individual"—serves to emphasize the inequality of the present method of distributing the burden of work-accidents.

The law on employer's liability is then examined, both as to the theory of the law and in its practical operation. The unfairness in the application of the law arises, in the opinion of Miss Eastman, from a misconception that the two parties are on an equal footing in their bargaining power. This inequality has developed along with the changes in the methods of production. In its operation the law is condemned on the following grounds:

"It is wasteful," both to employer and employee; "it is slow," recovery being long delayed, while the need is immediate; "it fosters misunderstanding and bitterness between employer and employee"; "it encourages dishonest methods"; and lastly, the "institutions which have been resorted to as an escape from its evils, liability insurance and relief associations, based upon a contract of release, are often advantageous to employers but disadvantageous in important respects to employees."

As a remedy for the evils of the present system and with a view to reducing them to a minimum, a workmen's compensation law is advocated, by which the employers should be required "to compensate all employees injured, according to a uniform method." To be adequate such a law must meet three requirements:

"I. In order to furnish the most effective incentive for the prevention of work-accidents it must make every serious accident a certain and immediate expense to the employer.

"II. In order to bring about a fairer distribution of the economic loss entailed by work-accidents, it must shift a considerable share of the burden of each accident from the family immediately affected to the business, and thus to the whole body of consumers.

"III. In order to do away with the wastefulness, dishonesty, and ill-will characteristic of litigation under the present law, it must reduce the possibility of dispute between the parties to a minimum."

Taken as a whole, the book is a thorough treatment of the problems involved, and it is a pleasure to find a work in which complex social questions are so carefully analyzed and handled in such an effective manner. There is little room for criticism of the work. In certain portions of the discussion, however, it would appear that in maintaining her thesis Miss Eastman has overlooked for the moment the fact that her generalizations are based upon a limited number of cases. Still it should be said that this fault, if it be one, does not seriously detract from the merits of the work. The book remains the most careful study of the problems covered that has yet appeared in this country and will be of very great service to everyone interested in this vital industrial problem.

F. S. DEIBLER